

G R S App F IX 4]

1948-49

File No 21-18

Previous References

ML Def No 88-45 (ML)

ML 23-46(81)

C.M 5651-8-2

Serial Nos 107, 108,
109

Later References

C.M 6-52-18-20

C.M 454 18

L.H. G. & Co

GENERAL AND REVENUE SECRETARIAT

Serial Nos

p=21-E

Part B for May '29

SUBJECT

Acquisition of portions of Municipal
Nos 5/2 & 6 in Tankasale. Narayan
Setty - Lane 2nd Div, Bangalore
City for a conservancy lane

I. The ML bmr Bangalore City
" Comptroller to Govt.
" Compiler, Mysore Gazette
G.O No 2 13930-2/D 27-5-49
Sanctions

106

Notes --- 5 pages.

Ex. ecc - 31 page.

ML 86
4849

Acquisition of portions of Municipal No. $\frac{5}{2}$ + 6
in Tankasale Narayana Setty lane, in 2nd Bu
Bangalore City for a Conservancy Lane

Letter No. L 1 C 1047/44-45 dated 17th/25th
June 1948 from the Municipal Commissioner
Bangalore City requesting for a reconsideration
of orders already issued in NO L 13194 dated
B) the 28th March 1947 on the subject for reasons
mentioned in the letter

1) In the ML file no 23 of 46 R A 1, the above
acquisition was turned down by Govt, after
spot inspection by the Munsif for P A (who
was then in charge of the Municipalities Porters
Pure Dept) and orders were issued in
NO L 13194 dated 28th March 1947. In
the present letter, the ML Commissioner
states that the spot was inspected by the
present ML C and that they have resolved
unanimously on 24-5-1948 that the acquisition
may be proceeded with and
retained as Municipal lane. In these
circumstances, he requests that orders

Acquisition of portions of Municipal Nos 5 and 6
in Tankabale Narayanakethy lane, 2nd Du,
Bangalore City, for a Conservancy lane.

already passed in the matter may be
reconsidered and the final declaration
statements, herewith enclosed, sanctioned.

A sketch of the place is also attached

Ltd for order

For 5-7-48 ² - Reference is invited to the orders
of the late Minister for Ed. and P.H.
on 153/47 in the reference file. Haz P.

For 5748
3) In view of the definite opinion
of the then Minister for P.H. & Ed.,
which was arrived at after spot inspection
after leaving the parties, it is for
consideration whether the question may
be reopened as requested by the Municipality.

4) *[Signature]*
C. Sub & Secy

new sig for
for order 17/48
8
6/7/48
for

Acquisitions of portions of Municipal ³ ~~5~~ 6 of Tankersale Navy area by lane in Bangalore City

Serial
No

5) I have inspected the spot on the 11th of this month along with the Mr. President, Mr. Commissioner Engineer and others and heard one of the parties who was present there.

At the instance of my assistant both the parties attended appearing before me on the 23rd inst. One of the ~~parties~~ ^{party} Mr. Lakshminarayana was present by his Counsel who submitted that he would be ready with his case within a week and moved for an adjournment.

The other party Sri Gopalakrishna Sethy represented that in the interest of public health and sanitation the acquisition recommended by the Council may be approved.

6) The question of the acquisition will be disposed of on hearing both the parties on the 27th inst. No serious delay is expected. Much litigation has passed on between the parties in re to this site & they were advised to come to an amicable settlement in the interest of the public. ^{25/4/48}

T.R. FOR CITY
- A - AUZRAH

No

P

7-7-

48

NOTE - Contn. Sheet

30 Commission of a Commission of Enquiry
 Nos 5 & 6 in Tumbakale Taluk
 26th June, 1949 General and Revenue
 Secretariat
 Co No. Tumbakale Taluk of 194

7) Embellished into 2 sheets
 for approval The time of
 Hon. The interview will have to be inserted in
 the sheets.

26/6/49
 26446

8) Amendment
 27/6/49

Issued in No L12487 dated
 28-4-49 to the Raja Lakshminarayana and
 N. S. Tumbakale Taluk and with same No L12487
 and in No L12489 of date 15/5/49
 to the Raja Lakshminarayana, N. S. Tumbakale Taluk
 in the same sheet

THE MINISTER FOR CITY
 MUNICIPAL AND RURAL
 No 4828
 Date 31/4/49

9) Can be sent to the P.T.
 to the Minister for City Municipal and Rural

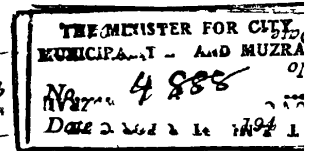
26/6/49
 26447

P.T. to the Minister for City
 Municipal and Rural, etc.

10) On the 21st May 49 both the parties
 appeared with their counsel and
 recorded their evidence and
 the court has decided in
 favour of the plaintiff.

11) The court has decided in favour of the plaintiff
 and the court has ordered the
 plaintiff to pay the costs of the
 defendant.

12) By acquiring this lane at the cost of
 a sum of Rs. 100/- by the Municipality
 the ownership is vested in Municipality
 to keep this as a public lane. By doing this
 neither of the parties will be deprived of
 the benefits they are now enjoying. In order
 to prevent nuisance by stray cattle etc
 guard stones may be put up at the cost of which
 the party Gopalakrishna Seth is willing to
 bear. I therefore approve the resolution
 of the Int. Council. P. K. Sethy.
 28/5/49.



13) Draft *for*
 26/5/49



14) Submitted with a draft for
 sanctioning the acquisition. The
 cost of the acquisition proposed
 by the Int. Council as in para 7
 has been incorporated in the
 draft & it is for order.

J. M.
 26/5/49
 P. K. Sethy

for order
 27/5/49

G o no L 13930-2/m 24-48-108 N/27 S 49

Sauctions the acquisition

To

- 1) The Municipal Council, Bheeris-
- 2) " Corporation to Govt
- 3) " Company Mysore Railway

From

Sri N. Gopalakrishnaswami dated
1-6-49 Requesting to intimate the
final orders passed

" " Minister's orders

" " The party may be informed of the
orders passed"

(sd) P S Selby
9.6.49

Dft Letter to Sri N. Gopalakrishnaswami
is put up for approval.

~~Case~~
25/6/49
P. S. Selby

J. S. Selby
25/6/49

To
Sri N. Gopalakrishnaswami
No. L 14,679 of 24.6.49
intimates that the Acq. is passed

ML:

2312

Misfold

Should
have been
checked
over

Ly

Petition dated 20-9-48 of Sri
N. Gopalakrishna Iyer, 108, Zank
del Vanayanasetti Galla
Avenue Rd, Bangalore City
stating that the acquisition of
premises Nos 5/5 & 7 of Zank
Vanayanasetti Street is pending for
the last 3 months etc

Order of the Secretary, Rev Dept
on the above -

"References early"

2) The ML Commission had submitted
~~premises~~ acquisition statements
for acquiring the above properties
and they have been submitted to
the Council for City Mtns & Urban
on 7-7-48 in ML 86. The files

Reviewed -
28-9-48

28-9-48

may be subd further in
continuation

rev letter
29-9-48

2312/mc

9) 2. 0. 0. 5

the man, the
C-m, 2 m, 2,)

8

2/10/68

2

1/10/68

T	T	-	T
1	1378	-	1
Date	3-10-	1	5

ML 86

BANGALORE CITY MUNICIPALITY

No L1 C 1047/44-45

Encl

FROM

MUNICIPAL OFFICES,
BANGALORE CITY

Dated 17th June 1948

SAFI DARASHAH, Esq, B A,

MUNICIPAL COMMISSIONER,
BANGALORE CITY



To

Syed Abdul Aleem, Esq, B A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

SIR,

Subject - Acquisition of portions of Municipal
Nos. 5/2 and 6 in Tankasale Narayana Setty lane,
III Division, Bangalore City for a conservancy
lane

=====

With reference to your memo No L 13194 dated 28th March 1947 on the above subject stating therein that Government consider that there is no need to sanction the said acquisition by the Bangalore City Municipal Council, as it would not serve any public purpose etc, I have the honour to state that when the said orders of Government were placed before the Municipal Council held on 26-4-1947 for information, it was unanimously resolved as follows -

"That the spot might be inspected by the Municipal Council as the Government had turned down the acquisition proposal recommended by the Municipal Council after due consideration"

2 Accordingly the present Municipal Council inspected the spot on 23-4-1948 and carefully examined the necessity of the acquisition in question. Then the subject was brought up before the Municipal Council held on 24-5-1948 and it was unanimously resolved as follows -

"It is resolved by the Municipal Council that portions of properties Nos 5/2 and 6 may be acquired and retained as Municipal lane"

3 Copies of the Municipal Council resolutions dated 26-4-1947 and 24-5-1948 are herein enclosed for favour of reference

4 In the above circumstances, I request that the matter may kindly be moved before Government for reconsideration in view of the unanimous opinion of the previous and the present Municipal Councils in this behalf and obtain sanction of Government for the

p t o

for the said acquisition.

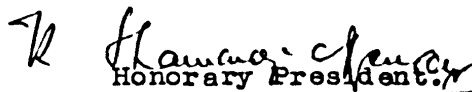
5. The draft final declaration statements returned with your memo under advertance are herewith sent for favour of arranging publication in the Mysore Gazette.

I have the honour to be,
Sir,
Your most obedient servant,



in Municipal Commissioner.

Forwarded with compliments.


Honorary President.

hsr/-

3 7

Proceedings of the meeting of the Bangalore City Municipal
Council dated 26-4-1947

===

- 12 Memo No L 13194/M1 dated 28th March 1947 from the Revenue
Secretary to the Government, dropping the acquisition proceeding
in respect of a portion of Nos 5/2 and 6 in Tankasala Narayana
Petty lane, Bangalore City

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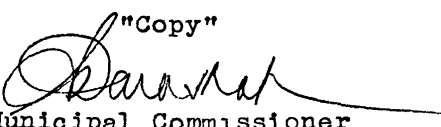
Mr K M Naganna proposed that the spot may be inspected by the
Municipal Council, as the Government had turned down the acquisition
proposals recommended by the Municipal Council after due
consideration

Mr S Krishnappa supporting Mr Naganna observed that the
acquisition proceedings should be pushed through

Resolution - Referred to the Council for spot inspection

Sd/- A J Khaleel,
Honorary President

"Copy"


Municipal Commissioner

24

Proceedings of the meeting of the Bangalore City Municipal Council dated 24-5-1948

- 18 Memo No L 13194/MI dated 28-3-1947 from the Revenue Secretary to Government dropping the acquisition proceedings in respect of a portion of No 5/2 and 6 in Tankasale Narayana Setty lane, Bangalore City Also spot was inspected by the Municipal Council on 23-4-1948
=====

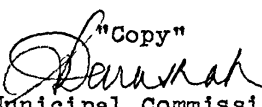
Sri N Keshava Iyengar moved -

"It is resolved that portion of properties Nos 5/2 and 6 may be acquired and retained as Municipal lane"

Sri R Anantharaman seconded

Resolution - Passed unanimously

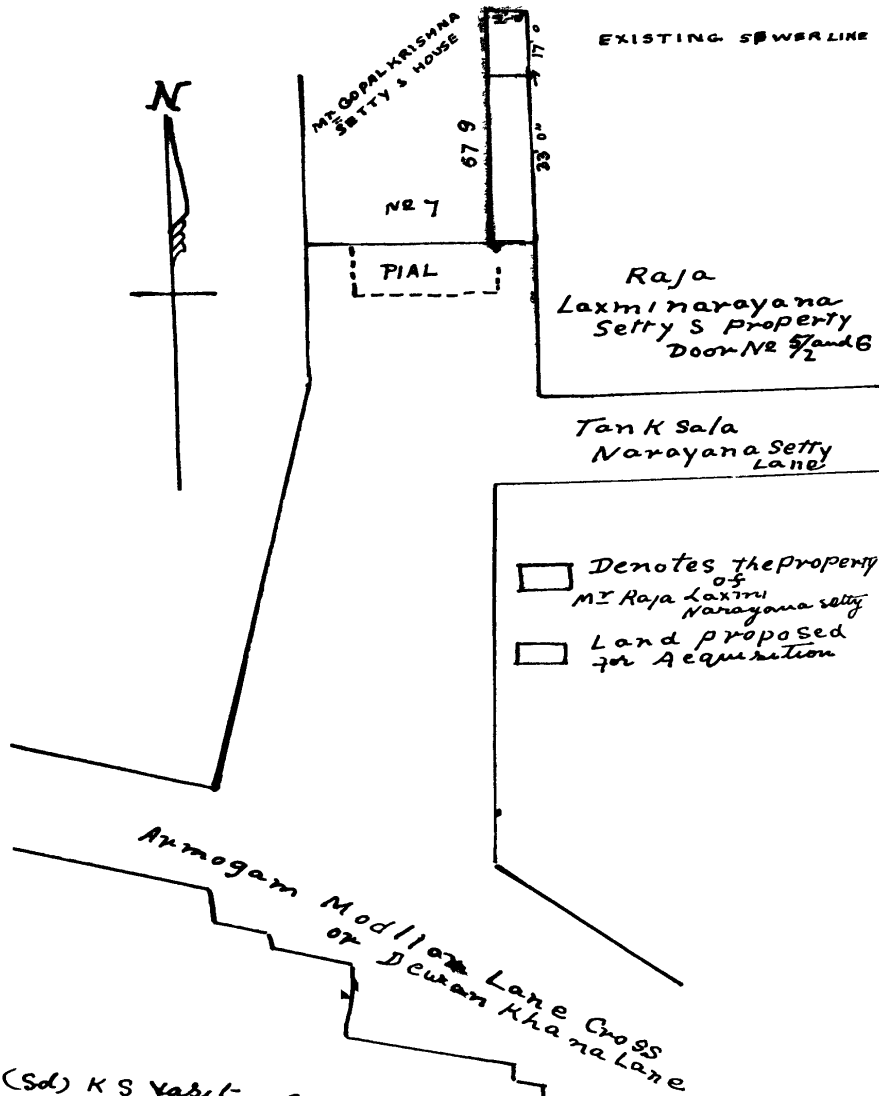
Sd/- K Shamaraja Iyengar,
Honorary President

"Copy"

Municipal Commissioner

Refer to



Sketch showing Lane between 5 Arvat in Mysore,
PREMISES NR 6 and 7 TANKA SALA NARAYANA SETTY LANE



(Sd) K S Vasal-
SO

(Sd) B P Suresh
Range Officer

Rajath
MI Engineer
14745

Ref. Q. 1

To

The Secretary for

Revenue and General Secretaryat in Mysore,

Bangalore



From

N. Gopalakrishna Setty

No.8 T.N. Setty Galli,

Avenue Road Cross, Bangalore City

Regarding the acquisition of a piece of vacant land
between the Municipal door Nos. 5/6 and 7 in
the above gali i e Tankasala Narayana
Setty lane

Sir,

I most respectfully submit that the above piece
of land had been recommended by the City Municipality
to acquire for the public purposes and the file has
been sent to the Government for the final approval.

Q. 1
I regret to bring to your kind notice that the file
had been sent to your office about three months back and
it has not been disposed of as yet.

gogur
Since the party is urgently pressing through the Civil
court to remove the underground pipes laid in this lane,
I request you to kindly see that immediate orders are
passed in this behalf so that it may not inconvenience me
and my tenants. Thanking you in anticipation of your early
and favourable orders.

Bangalore City, 0
20th Sept 1948 0

Yours faithfully

N Gopala Krishna Setty

13 cases
To

L11487-P

7

- 1) Sri Raja Lakshminarayana Setty
no 6, Tankasale Narayana Setty lane,
II Division, Bangalore City
- 2) Sri N Gopalakrishna Setty
Dow no 7 Tankasale
Narayana Setty lane
II Division, Bangalore
City.

Subject: - Acquisition of a
portion of Municipal No's
5 and 6 in Tankasale Narayana
Setty lane, II Div Bangalore
City for Conservancy lane

Dear Sir

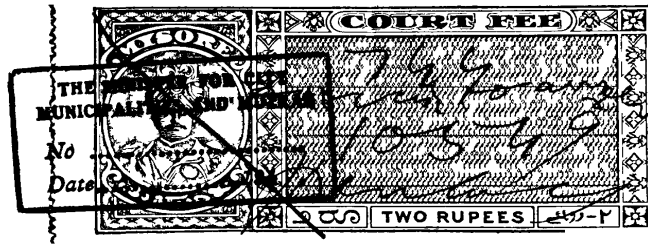
I am directed to

Advocate for Petitioners

~~inform you that you~~
~~may appear before the~~
 Minister for City Municipalities
 and ^{will be the parties interested in the above case} ~~Muzra~~ in the ~~old~~ ^{new} ~~chambers~~ ^{chambers} in the old
 & Public Offices, Bangalore
 on the 9th May 1949 ^(at 3-00 pm) and
~~represent your case~~
~~in connection with the~~
~~above-mentioned acquisition~~
 you are ~~expected to make it~~
 convenient to be present on that
 day & represent the case ~~either in person~~
 or through a ~~competent~~ ^{competent} person faithfully

The time is
 subject to affd
 By affd of 1/5/49

for Secy to Govt-
 B. 26 & General Dept-



10

In the Court of

Bangalore

No

of 194 - 194

Plaintiff/Appellant/Petitioner
Decree Holder

Defendant/Respondent
Judgment Debtor

Raja Lakshmi Narayana Setty } Vs { opposite party
Bangalore City Municipality

1 I/We Raja Lakshmi Narayana Setty above named do, by these presents, retain
Mr B. R. L. Sengar Esq. B.A., B.L., Advocate
to appear and conduct the above case on my/our behalf to judgment

2 I/We further empower him to do all necessary acts in the above case, to execute any decree or order that may be passed in my/our behalf, and to receive from the Court all documents refunds and all sums of money that I/We may be entitled to get and grant receipts therefor and also empower him to enter into any compromise on my/our behalf

3 I/We also undertake to confirm and ratify all the acts done by the said Advocate or by any other Advocate on his behalf in so doing

Bangalore City

- 9/5/1943

Accepted

Personally known to me and signed in my presence

B. R. L. Sengar

Advocate for Petitioner

9

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No

L 12487-8

General and Revenue Secretariat,

Dated, Bangalore 28 4 1949

FROM

~~The Chief~~ Secretary to the Government of His Highness
the Maharaja of Mysore
General Department

To

- (1) Sri Raja Lakshminarayana Setty,
10 6, Tankasala Narayana Setty Lane
IIInd Division, Bangalore City
- (2) Sri N Gopalakrishna setty,
No 7, Do

~~Dear~~
Dear Sir,

Subject Acquisition of a portion of Municipal
Nos. 5/2 and 6 in Tankasala Narayana-
Setty lane, IIInd Division, Bangalore
City for a Conservancy lane.

The Minister for City Municipalities and Puzai will hear the parties interested in the above case in his Chambers in the old Public Offices, Bangalore ~~at 3.0 P.M.~~ on the 9th May 1949 at 3-0 P.M. You are requested to make it convenient to be present on that day, and represent the case either in person or through a counsel.

Yours faithfully,

g/c

For General Secretary to Government.

Star

Before The Minister for Education & Public Health

Statement filed by Raja Lakshminarayana Setty, Petitioner
in the proposed acquisition of a portion of door No
in Tankasale Narayana Setty lane, Second Division,
Bangalore City -

In continuation to the petition of Objections
already filed before the Land Acquisition Officer -
May it please your honour,

The Petitioner submits for kind consideration the
following facts:-

Even so long ago as the year 1941 the Municipality,
on an application from one Mr. N. Gopalakrishna Setty, sent
an Endorsement to the present petitioner to produce his title
deeds to the lane now proposed to be acquired, and prove his
title to the said lane. The Petitioner accordingly produced
his title deeds to the said property and sent the Municipality
a reply through his counsel Mr. K. Venkatasubbiah Setty. This
matter continued to be contended by either side that is, the
Municipality as their own property and the present petitioner
as his, while the petitioner placed all documents of title
to the said property, the Municipality were unable to prove
their claim in any way and the matter rested there.

The present petitioner filed a suit O.S. No 195/41-42
before the First Municipality Bangalore for a declaration that
Mr. N. Gopalakrishna Setty, who had laid flushout pipes in
the petitioner's land i.e. the present lane, had no right
whatever to do so, to restrain him from continuing to lay the
said pipes and further to remove the pipes already laid.
The said Gopalakrishna Setty first claimed ownership of the lane
and subsequently claimed inconsistently a right of easement of
necessity. The Municipality dismissed the petitioner's suit

suit holding that Mr. Gopalakrishna Setty had a right easement in the lane. The present petitioner appealed to the Subordinate Judge in Regular Appeal No 151/42-43 who reversed the judgement of the learned Munsiff and clearly held the petitioner the absolute owner of the lane and that ~~Gopalakrishna~~ Gopalakrishna Setty had no right of easement to lay his flush pipes in and along the petitioner's lane. The judge also noticed and pointed out that in the course of the deposition of Gopalakrishna Setty he himself had said that he could lay his flushout pipes in and through his own land and premises as others in that locality had done, without trespassing on the present petitioner's land. The judge also held that Gopalakrishna Setty had no right of Easement of necessity at all. This judgement was upheld in Second appeal by the High Court in S.A. No 216/43-44. Thus it was clearly established in the highest Court that the present petitioner was the absolute owner the lane in question without any right outstanding in any body to use it in any manner. The Judgements of the Subordinate Judge and the High Court are herewith appended and the relevant portions flagged and marked for your honours perusal.

The said Gopalakrishna Setty after having thus having failed completely to prove his right to use the petitioner's lane in Civil courts, began to approach the Municipal authorities by petitioning them to acquire the present petitioner's lane. The Municipality however not realising the delicacy of their having to acquire the very land which they had claimed as their own and all this at the instance of a private party, proceeded to acquire this lane and to that end The Municipal Engineer inspected the spot and the usual proceedings followed.

Thus your honour will be pleased to see that the proposed acquisition can serve no necessary purpose for any one else. Even when there is a Government order to the

